

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 14-CR-388 (RHK/JSM)

United States of America,)	
)	
Plaintiff,)	MOTION TO WITHDRAW
)	GUILTY PLEA
)	
)	
Brian Miranda-Ortiz,)	
)	
Defendant.)	

Defendant, Brian Miranda-Ortiz, by and through his attorney, Ryan Pacyga, respectfully moves the Court for an order to withdraw his plea of guilty in the above-captioned matter, which was entered on April 3, 2015. The basis for this motion is Fed. R. Crim. P. 11(d)(1). Prior to filing this motion, counsel for Mr. Miranda-Ortiz informed the Government of his intention to withdraw his plea. The Government expressed that it would object to this request.

The basis for the withdrawal of plea are the following:

1. The Defendant believes the plea agreement he entered into with the Government is not beneficial for him but, in fact, is the same as if he plead directly to the Court or went to trial and received the mandatory minimum;
2. The Defendant believes there are suppression issues he would now like to litigate, such as his seizure and arrest and the search of his business premises following his seizure;
3. The Defendant indicates he did not agree to forfeit the money seized by the Government in this matter;

4. According to the Defendant, the Government told him he would be given safety valve which was the sole reason he plead guilty but the Government did not will deny safety valve;

Respectfully submitted,

Pacyga & Associates, P.A.

Dated: July 24, 2015.

By: /s/ Ryan M. Pacyga

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